

**CHAPTER 71
GRADES AND STANDARDS**

Authority
N.J.S.A. 4:3-11.12.

Source and Effective Date
R.1998 d.376, effective June 26, 1998.
See: 30 N.J.R. 1459(b), 30 N.J.R. 2617(c).

Executive Order No. 66(1978) Expiration Date
Chapter 71, Grades and Standards, expires on June 26, 2003.

Chapter Historical Note

Chapter 71, Grades and Standards, originally codified as N.J.A.C. 2:31, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Subchapter 1, New Jersey Standards for Quality of Individual Shell Eggs, and Subchapter 2, Fruits and Vegetables, were readopted as R.1983 d.394 and d.395, respectively, effective September 1, 1983. See: 15 N.J.R. 1050(a), 15 N.J.R. 1574(a); 15 N.J.R. 1051(a), 15 N.J.R. 1574(b).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1988 d.370, effective July 8, 1988. See: 20 N.J.R. 953(a), 20 N.J.R. 1871(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1993 d.379, effective July 2, 1993. See: 25 N.J.R. 1801(a), 25 N.J.R. 3453(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1998 d.376, effective June 26, 1998. See: Source and Effective Date.

Administrative change: Pursuant to Reorganization Plan No. 003-2002, the Division of Regulatory Services and Division of Dairy and Commodity Regulation were renamed Division of Marketing and Development, effective February 27, 2003. See: 35 N.J.R. 3(a), 35 N.J.R. 1539(b).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. NEW JERSEY STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

- 2:71-1.1 through 2:71-1.22 (Reserved)
- 2:71-1.23 Marketing of shell eggs
- 2:71-1.24 through 2:71-1.29 (Reserved)
- 2:71-1.30 Certificates of grade
- 2:71-1.31 Name and address on containers
- 2:71-1.32 Sealing containers
- 2:71-1.33 Registering sample of label or container
- 2:71-1.34 (Reserved)
- 2:71-1.35 Reused container
- 2:71-1.36 (Reserved)
- 2:71-1.37 Sanitary conditions
- 2:71-1.38 Labeling of eggs
- 2:71-1.39 Use of the New Jersey map symbol on egg packages and in advertising
- 2:71-1.40 Container defined

SUBCHAPTER 2. FRUITS AND VEGETABLES

- 2:71-2.1 New Jersey grades of fruits and vegetables based on United States Standards
- 2:71-2.2 Use of "Jersey Fresh" as the logo for the "Jersey Fresh Quality Grading Program" and "Jersey Fresh Quality Premium Program" (referred to as the "logos") on containers of certain fresh fruits, vegetables, shell eggs, cut

- flowers, cactus, honey, milk (whole, one percent, two percent, skim, chocolate), ice cream and ice milk
- 2:71-2.3 Fee and reporting requirements for Jersey Fresh Quality Grading Program participation
- 2:71-2.4 Agricultural commodities intended to be marketed under the Jersey Fresh Quality Grading Program and Premium Program
- 2:71-2.5 Commodity grades, packing requirements, packer identification and containers
- 2:71-2.6 Definitions
- 2:71-2.7 Penalties
- 2:71-2.8 Asparagus for canning or freezing
- 2:71-2.9 Diameter classifications
- 2:71-2.10 Definition of terms
- 2:71-2.11 Grade classifications of asparagus spears
- 2:71-2.12 Asparagus spears described and permitted in N.J. No. 1 grade
- 2:71-2.13 Procedure for loads received after severe wind and rain-storm
- 2:71-2.14 Asparagus spears described and permitted in N.J. No. 2 grade
- 2:71-2.15 Function and need for unrestricted sampling of asparagus for processing
- 2:71-2.16 Unrestricted sampling; definition
- 2:71-2.17 Equipment and personnel required
- 2:71-2.18 through 2:71-2.25 (Reserved)
- 2:71-2.26 Requests; charges
- 2:71-2.27 Agreements for inspection services
- 2:71-2.28 Charges for inspection or grading and certification services; written agreements for single commodity inspection
- 2:71-2.29 Written agreements for multiple commodity inspection
- 2:71-2.30 Charges; oral agreements; trailer, car, warehouse and storage lots
- 2:71-2.31 Charges; oral agreements between Department of Agriculture and requestor
- 2:71-2.32 Hourly rate charges

SUBCHAPTER 3. PLANT MATERIALS

- 2:71-3.1 Standards for plant material

SUBCHAPTER 4. JERSEY FRESH MATCHED FUNDS PROGRAM

- 2:71-4.1 Purpose and scope
- 2:71-4.2 Definitions
- 2:71-4.3 Application procedure
- 2:71-4.4 Requirements of grant recipients
- 2:71-4.5 Restrictions

APPENDIX A. APPLICATION FOR "JERSEY FRESH" DEVELOPMENT AND/OR PROMOTIONAL FUNDS

**APPENDIX B. AFFIDAVIT OF PERFORMANCE
SUBCHAPTER 5. MARKING OPEN AND CLOSED PACKAGES OF POTATOES**

- 2:71-5.1 General provisions; purpose
- 2:71-5.2 Grades on potato package
- 2:71-5.3 Markings of potato package
- 2:71-5.4 Tags
- 2:71-5.5 Invoices and/or manifests (bills of lading)
- 2:71-5.6 Prohibition of sale
- 2:71-5.7 Responsibility of packer or repacker

SUBCHAPTER 1. NEW JERSEY STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

- 2:71-1.1 through 2:71-1.22 (Reserved)**
Repealed by R.1978 d.402, eff. November 21, 1978.

See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.23 Marketing of shell eggs

(a) Any eggs which are marketed to consumers, institutional consumers or retailers shall be edible and shall conform to the standards for consumer grades AA, A or B as published in the Federal Register volume 20, number 22, February 1, 1955, part 56 subpart C, known as the Code of Federal Regulations Governing the Grading of Shell Eggs and United States Standards Grades and Weight Classes for Shell Eggs, (7 CFR part 56, subpart C) effective July 1, 1971, and any further changes in these Federal rules and regulations, after proper promulgation shall be deemed the rules and regulations of the New Jersey State Board of Agriculture:

1. Exception: restricted eggs may be marketed in accordance with the exemption provisions in the Federal Egg Products Inspection Act (Public Law 91-597) and the USDA Regulation Governing the Inspection of Eggs and Egg Products (7 CFR Part 59), and any further changes in these Federal rules and regulations, after proper promulgation shall be deemed to be the rules and regulations of the New Jersey State Board of Agriculture.

As amended, R.1975 d.358, eff. January 1, 1976.
See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

2:71-1.24 through 2:71-1.29 (Reserved)

Repealed by R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.30 Certificates of grade

(a) For the inspection or classification of shell eggs or poultry and the issuance of a certificate of the grade or other classification of such product, the fees and charges for the services of department personnel shall be the same as the current fee schedule of the Agricultural Marketing Service of USDA, as amended, 7 CFR parts 55, 56, 59 and 60.

As amended, R.1970 d.119, eff. October 1, 1970.
See: 2 N.J.R. 69(c), 2 N.J.R. 89(a).
As amended, R.1977 d.339, eff. September 7, 1977.
See: 9 N.J.R. 354(b), 9 N.J.R. 451(b).
As amended, R.1978 d.115, eff. March 30, 1978.
See: 10 N.J.R. 90(a), 10 N.J.R. 182(c).
As amended, R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.31 Name and address on containers

(a) The name and address of the packer or distributor shall be considered prominently designated on a container of eggs when in bold-faced type not less than 1/16 inch in height.

1. In consumer graded eggs this designation shall be preceded by the words "Produced and Packed by", "Packed and Distributed by", "Packed for and Distributed by", or "Distributed by", whichever is the correct expression of fact.

2. The street address of the packer or distributor need not be shown provided the name is listed in a current public directory.

(b) For the purposes of this section, "consumer graded eggs" are defined to mean eggs offered for sale to consumers at the retail level.

As amended, R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.32 Sealing containers

All containers of loose eggs, produced in New Jersey whether graded or ungraded destined for New Jersey identified pack, shall be sealed with gummed tape at least 2 1/2 inches wide in a manner marked with the name and address of the New Jersey producer partly on the tape and partly on the container. Only those eggs in containers thus taped and marked may be used for packing into New Jersey identified cartons.

As amended, R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.33 Registering sample of label or container

A sample of any label or container on which appears the name "New Jersey" or "Jersey" or the name of any county or municipality within this State, except as it appears in the name and address of the packer or distributor, shall be registered with the department.

2:71-1.34 (Reserved)

Repealed by R.1975 d.358, eff. January 1, 1976.
See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

2:71-1.35 Reused container

A container is deemed reused when any person refills the container with eggs, and it shall be the responsibility of such person to have markings on the container which are unmistakably those of the packer.

2:71-1.36 (Reserved)

Repealed by R.1975 d.358, eff. January 1, 1976.
See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

2:71-1.37 Sanitary conditions

(a) Any compound used for cleaning eggs shall be one that is approved by the United States Department of Agriculture for that purpose and shall be used in accordance with the manufacturer's instructions.

(b) Egg holding rooms, including sales display cases, shall be kept free of the following:

1. An accumulation of dust, litter, broken eggs;
2. Other matter that may create offensive odors or harbor bacteria or molds detrimental to the quality or flavor of eggs.

(c) Equipment used in cleaning, weighing and candling eggs shall be maintained free of dust and broken egg matter and, by use of an acceptable cleaning compound or other method, be cleaned daily to prevent the development of bacteria and molds.